



## APPLICATION FOR BOAT DOCK

Reference: City of Edgewood Code of Ordinances, Section 14-11

**REQUIRED FEE: \$350 and \$1,000 Deposit Towards Pass-Through Fees  
(Pass-Through Fees - Ordinance 2013-01)**

Please note this fee is non-refundable

### IMPORTANT:

1. A COMPLETE application with all required attachments and three (3) copies must be submitted to the City Clerk's office. **An application is considered complete based upon the City Engineer's determination and when the fee is paid at Edgewood City Hall.**
2. Applications that are deemed incomplete and/or unaccompanied by fees will be deferred to the next posted deadline date.
3. **Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.**
4. In the event that the application goes before Planning and Zoning or City Council, **the application will not be considered unless the applicant or representative is in attendance.** The applicant is advised that the individual board and council members can only be addressed during board proceedings.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

Applicant's Name:		Owner's Name:	
Address:		Address:	
Phone Number:		Phone Number:	
Fax:		Fax:	
Email:		Email:	
Name of Lake or Body of Water:		NHWE:	
Parcel ID/Legal Description:			

**Names and addresses of adjoining property owners:**

Notarized consent forms shall be provided from adjoining property owners if the side setback is less than 15 feet.

1.

2.

3.

4.

5.

6.

7.

1. Exact distance of setbacks from adjacent property lines:

<b>A. (side)</b> Sec. 14-11(b)(1)		<b>B. (side)</b> Sec. 14-11(b)(1)		<b>C. (Rear)</b>	
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2. Brief description of work to be done (dock and site plans must be attached):

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3. Electric power to dock:

Yes:		No:	
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4. Total area of structure: Sec. 14-11(b)(5)

	Square feet
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5. Length extending lakeward from NHWE shoreline: Sec. 14-11(b)(2)

	Feet
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6. Depth of water **on date of application** at end of proposed dock:

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7. Height of structure above NHWE contour: Sec. 14-11(b)(4)

	Feet
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8. Is width of water body less than 200 feet?

Yes:		No:	
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9. If yes, width of water body (from the NHWL) at proposed dock:

	Feet
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10. Type of materials to be used:

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I have complied with all requirements and procedures and proclaim this application to be complete. I understand that an incomplete application will be deferred to the next posted deadline date.

I also understand that following the administrative approval by the City Council (when applicable), an approved building permit from the Orange County Building Department is required before any construction shall commence.

The application fees are established by the City Council. The application fee does not, in any way, ensure the applicant a favorable decision. All applications will be reviewed on the merits of the request alone, regardless of the application fee. All fees are nonrefundable.

Following approval from the City Engineer and the City Council (when applicable), the following must be submitted for zoning stamp approval from the City of Edgewood

- a. Completed building permit application
- b. Recorded notice of commencement
- c. Proof of contractor's worker's compensation, naming the City of Edgewood as certificate holder

Applicant's Signature:		Date:	
Applicant's Printed Name:			
Owner's Signature:		Date:	
Owner's Printed Name:			

**Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.**

### BOAT DOCK APPLICATION PROCESS

1. Submit application with:  
Three (3) site plans **AND** Three (3) sets of engineered construction plans (note: plans will be retained by City Hall and consultants)
2. Application will be forwarded to the City Engineer
3. If a variance from the provisions is requested or required, the City Engineer is not authorized to approve the application.
4. Notices will be mailed to the neighboring property owners who have a legal interest in the shoreline within 300' of the property via mail
5. Written comments from neighboring property owners are due within 15 calendar days after mailing.
6. If **NO** written objections are received, it shall be deemed that property owners have given consent and have waived their right to object to the construction to the dock. The application is then approved based on recommendation by the City Engineer 15 calendar days from the date notices are sent as long as the application is complete in all other aspects.

7. If one written objection is received, or if the City Engineer believes the application should be approved by City Council, the Council will consider the application during a regularly scheduled council meeting with:
8. **Additional site plans and engineered construction plans with quantify specified by City Clerk's office.** When City Council must decide the application, it shall approve, deny or approve with conditions taking into consideration comments or objections from all parties who were previously notified and staff's review of the proposed boat dock.
9. Copies of City Council's decision shall be sent to the applicant and those who filed written objections with the date of the decision.
10. If **NO** objections have been filed and City Council approves the application, the application will be effective immediately.
11. Following City Council's action and within 15 days, applicant or parties who have submitted written objections may submit written Notice of Appeal to the City Clerk.
12. If a Notice of Appeal is filed, it shall be heard by City Council during a regular council meeting. Notice of Appeal shall be provided to the applicant and parties who previously objected in writing.
13. During Notice of Appeal hearing, City Council may affirm, reverse or modify their previous decision.
14. If **NO** Notice of Appeal is received, City Council's ruling is final
15. City Council's decision on appeal is final.

## **BOAT DOCK VARIANCE APPLICATION PROCESS**

1. Applicant must apply for a variance to the Edgewood Planning and Zoning Board, simultaneous with the submission of the Boat Dock Application and the required processing fees.
2. When a variance is requested the applicant shall submit to the City Clerk's office **Additional site plans and engineered construction plans with quantify specified by City Clerk's office.**
3. Applications for a variance shall follow the variance procedures as outlined in the Code (See Chapter 126, Section 126-588)
4. Following the approval of a boat dock application, either by the City Engineer or by the City Council, the applicant is also required to obtain a building permit prior to commencing construction.
5. In the event electricity is run to the boat dock, the proper electrical permit must also be obtained by the City of Edgewood.
6. The applicant is responsible for all fees associated with the procurement of necessary permits.
7. Approval of a boat dock permit by the City of Edgewood does not eliminate the applications of any other government requirements or the necessity for required other permits or fees.

Please submit your completed application to City Hall via email at [bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov) or [sriffle@edgewood-fl.gov](mailto:sriffle@edgewood-fl.gov), via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. Please contact City Hall at 407-851-2920 with additional questions.

Office Use Only:	
<input type="checkbox"/>	Three (3) Site Plans
<input type="checkbox"/>	Signed and sealed survey with Normal High Water Elevation (NHWE) as established by Orange County and performed by a Florida Registered Surveyor or mapper
<input type="checkbox"/>	Three (3) sets of engineered construction plans (signed and sealed)
<input type="checkbox"/>	Non-refundable application fee of \$350.00 and \$1,000 Deposit Towards Pass Through fee (per Ordinance 2013-01)
<b>Received Date:</b>	
<b>Received By:</b>	
<b>Forwarded To:</b>	
<b>Notes:</b>	

# Chapter 14 - BOATS, DOCKS AND WATERWAYS<sup>[1]</sup>

## Footnotes:

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**State Law reference**— Florida boat registration law, F.S. § 327.01 et seq.; local regulations, restrictions, F.S. §§ 327.22, 327.60.

## • Sec. 14-1. - Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings described to them by this section:

*Access walkway* means that portion of a dock that commences on the upland parcel and terminates at the junction with the terminal platform.

*Boats* means all rowboats, sailboats, canoes, dingies, skiffs, rafts, dugouts, dredges and other vehicles of transportation for use on water, including inboard and outboard motorboats, unless otherwise indicated; and any and all objects tied to or connected therewith while being propelled through the water.

*Dock* means any permanently fixed or floating structure extending from the upland into the water, capable of use for vessel mooring and other water-dependent recreational activities. The term "dock" also includes any floating structure, boat lift or mooring piling, detached from the land, capable of use for mooring vessels and/or for other water-dependent recreational activities. The term "dock" also includes any area adjacent to the dock designated for mooring purposes. This term does not include any vessel that is not permanently docked, moored, or anchored.

*Inboard motorboat* means any boat which is propelled by any stationary or built-in mechanical device or means of power.

*Littoral rights* means rights incident to ownership of property abutting a lake, canal, or other waters.

*NHWE* means the normal high water elevation for a water body as established by Orange County, Florida.

*Outboard motorboat* means any boat which is propelled by any mechanical device or means of power which is not stationary or built-in.

*Principal use* means a use of the upland parcel for residential, commercial or governmental purposes. At a minimum, a principal use shall be established by the issuance of a building permit for a principal structure.

*Riparian rights* means the right of a landowner whose property borders on a body of navigable waters to make reasonable use of the water equal to the rights of other owners of land bordering on the same waters.

*Routine maintenance and repair* means those tasks necessary to keep a dock in a safe and useable condition consistent with the original design specifications and shall include replacement of the any walking surface but shall not include replacement of any structural load-bearing components.

*Terminal platform* means that portion of a dock designed and used for the storing, mooring, and launching of water vessels or other water-dependent activities.

*Water bodies* means and includes lakes, streams, waterways, bays, inlets, canals, and all other waters or bodies of water, whether natural or artificial, located within the boundaries of the City of Edgewood.  
(Code 1974, § 5-1; Code 1985, § 5-1; Ord. No. 2006-03, § 2, 1-3-2006; [Ord. No. 2019-10](#), § 2, 12-17-2019)

- **Sec. 14-2. - Responsibility of owner.**

The registered owner of a boat as well as others is responsible for all violations of this chapter by operators of any boat carrying his registered license.  
(Code 1974, § 5-2; Code 1985, § 5-2)

- **Sec. 14-3. - Damaging or disturbing boats and setting hazardous objects adrift prohibited.**

It shall be unlawful for any person without the consent of the owner to set adrift any object which may constitute a hazard to the safe operation of any boat or person skiing.  
(Code 1974, § 5-3; Code 1985, § 5-3)

- **Sec. 14-4. - Damage from wake or bow waves; speed limits near shorelines.**

Care shall be taken by the operators of all motorboats to prevent damage from their wake or bow wave or from objects towed by such boats to persons, beaches, moored boats, docks, piers and boathouses. It shall be unlawful to operate boats in excess of ten miles per hour within 150 feet of any shoreline except when taking off or landing with a skier in tow.  
(Code 1974, § 5-4; Code 1985, § 5-4)

- **Sec. 14-5. - Finding boats and hazardous objects adrift.**

Any person finding a boat or hazardous object adrift shall secure it at a safe moorage and report such finding to the police department as soon as possible.  
(Code 1974, § 5-5; Code 1985, § 5-5)

- **Sec. 14-6. - Rights-of-way.**

Canoes, rowboats and sailboats shall have the right-of-way when approached, passed or overtaken by motorboats or boats under power. It shall be unlawful for such boat under power to operate in the near proximity of or at such speed as to create a wash or wave which would endanger the occupants of boats not under power.  
(Code 1974, § 5-6; Code 1985, § 5-6)

- **Sec. 14-7. - Operation of motorboats near fishing boats.**

Motorboats or boats under power shall operate at a safe, reduced speed in the vicinity of, and stay clear of by at least 50 feet, any boat anchored or used for fishing and shall at all times be operated in such manner as will not endanger life and property.  
(Code 1974, § 5-7; Code 1985, § 5-7)

- **Sec. 14-8. - Life preservers and fire extinguishers on boats.**

All boats shall carry at least one U.S. Coast Guard-approved life preserver for each person aboard and all inboard motorboats shall carry at least one U.S. Coast Guard-approved fire extinguisher.  
(Code 1974, § 5-8; Code 1985, § 5-8)

- **Sec. 14-9. - Boat lights required.**

It shall be unlawful to operate any motor-driven boat at night unless provided with properly mounted, functioning red and green running lights or a combination red and green running light. All other boats in use after sunset shall carry flashlights or other adequate light for showing in emergency.  
(Code 1974, § 5-9; Code 1985, § 5-9)

- **Sec. 14-10. - Deposit of refuse or lowering level of lakes and canals.**

It shall be unlawful for any person to permit any refuse such as grass, logs or other debris to be released or thrown into the lakes and canals covered by this chapter, or to in any way or manner cause or permit the unlawful lowering of the water level in such lakes and canals.  
(Code 1974, § 5-10; Code 1985, § 5-10)

- **Sec. 14-11. - Dock construction rules and regulations.**

(a) Applications submitted for new docks and alterations to existing docks shall include all of the following:

(1) Three copies of a site plan drawn to scale which depicts the exact location of the dock and which includes the following:

- a. An arrow indicating the northerly direction and the scale to which the plans were prepared;
- b. The name of the water body upon which the dock is to be located;
- c. The exact distance between the existing shoreline, at the point where the dock is to be located, and a permanent object or marker (e.g., house, tree, USGS benchmark) to be used as a reference point;
- d. The exact setback distance from adjacent property lines and projected property lines to all portions of the dock;
- e. Floor and roof elevations of the proposed dock structure connected to the dock, and floor and roof elevations of any existing dock, including any structures currently or proposed to be connected the dock;
- f. The current water depth at the end of the dock and at all proposed mooring locations and the approximate depth of navigable waters beyond the dock and mooring locations;
- g. The NHWE;
- h. The location of any lifts, hoists, mooring pilings, or mooring areas;
- i. The exact dimensions of the dock, including the terminal platform and access walkway, and the specific individual dimensions of the terminal platform, access walkway, and any roof structures; the length of the dock shall be measured from the NHWE to the point of the dock furthest waterward from the NHWE;
- j. A survey of the property that accurately depicts current conditions; and
- k. The width of the water body at the location of the dock as measured from the NHWE at the location where the dock is constructed or proposed to the NHWE directly opposite the water body from such location.

(2) Satisfactory evidence of title;

(3) Documentation showing the riparian rights of the property on which the dock is located or proposed;

(4) A statement indicating whether any docks are located on abutting properties; and



(5) Three copies of engineered construction plans.

(b) To obtain a dock permit, the following criteria, at a minimum, must be satisfied:

(1) *Minimum side setbacks.* Except as otherwise provided below docks and associated structures shall have a minimum side setback of 15 feet from the projected side property line of abutting shoreline owners. A dock may encroach up to five feet into the 15-foot side setback if the applicant submits as part of the application an original notarized letter of no objection from the owner of the property on the side or sides within which such encroachment occurs. The letter of no objection must identify the site plan and construction plan for the proposed dock, and a copy of the site plan and construction plan must be attached to the letter submitted to the city. For purposes of this determination, and in the absence of property lines that already project into the water body, the projected property line of abutting shoreline owners shall be construed to mean a line projecting from the shoreline into the water 90 degrees from the abutting property owner's shoreline.

(2) *Length of docks.* No dock shall extend further into a water body than where a reasonable water depth for a single vessel mooring is achieved, and in no event shall such depth exceed five feet during normal hydrological conditions unless existing natural conditions of the water body necessitate a greater water depth to allow safe mooring conditions. No dock shall be constructed or extended to a length more than 25 percent of the navigable corridor or to a length that would adversely impact the rights of other persons use of and access to the water body. In no circumstance shall a dock be constructed or extended nor shall a vessel be moored at a dock in such a manner as would cause the navigable width of the water body at the location of the dock to fall below 25 feet as measured from the most waterward point of the dock or moored boat to the nearest permanent obstruction to navigation.

(3) *Enclosed structures.* Other than for repair or reconstruction of existing structures, no structures having enclosed sidewalls are permitted. Enclosed shall be defined as, by way of example but not by limitation, screen houses, chain link fencing, lattice fencing and any form of paneling. In the case of existing enclosed structures or grandfathered structures, reconstruction, renovation, and repair shall be permitted as long as the footprint of the existing structures is maintained, the structure is not expanded as documented by the applicant, and adjacent property owners consent thereto in writing. Examples of such documentation may include but not be limited to surveys, photographs, contractors', engineers', or site plans.

(4) *Height of docks.* The minimum height of docks shall place them one foot above the NHWE of the applicable water body. The maximum height shall be 13 feet above the NHWE of the applicable water body.

(5) *Square footage of docks.* The maximum square footage of the terminal platform shall not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of shoreline and five times the linear shoreline frontage for each foot in excess of 75 feet, not to exceed a maximum of 1,000 square feet. Access walkways shall not be included in the maximum square footage calculation. Roof eaves that do not extend more than three feet beyond the terminal platform shall not be included within the maximum square footage calculation.

(6) *Access walkways.* Access walkways shall not exceed five feet in width.

(7) *Docks prohibited in easements.* No work shall be within areas which are legal easements for ingress or egress, drainage, or utilities.

(8) One dock shall be allowed on each water body to which a residential lot has frontage when there is no navigable connection between the water bodies. In no other circumstances shall more than one dock per residential lot be allowed.

(9) Under no circumstances shall a dock be utilized for residential purposes.

(c) *Application procedures.*

(1) The dock permit application and application fee shall be submitted to the city clerk's office. Any question regarding the dock permit application will be answered by that department, the city engineer, or city building official. The city clerk shall forward the application and all pertinent documents to the city engineer for his/her review and recommendation. Unless a variance from the provisions hereof is requested or required, the city engineer is authorized to approve such applications meeting the requirements of this article following the receipt of a complete application.

(2) *Notices to neighboring shoreline property owners.* Upon receiving the application, the clerk shall send notices by first-class mail to the owners of the properties abutting the property, other property owners who could be affected by the new dock because of any unusual configuration of the shoreline as determined by the city engineer or designee, and any other shoreline property owners within 300 feet of the property on which the dock is to be located. All such notices shall require that written comments on the proposed dock permit application be sent to the clerk within 15 calendar days from the date such notices are sent. If no written objections are returned by property owners receiving notice, such owners shall be deemed to have given consent and to have waived their right to object to the construction of the dock. If notices sent by first-class mail to nearby properties are returned to the city, or if the city has reason to believe that the notice is undeliverable as addressed, the city shall use its best efforts to determine the current address of any neighboring property owners entitled to notice herein and shall use its best efforts to notify such current neighboring property owners of the proposed dock.

(3) *Approval by the city engineer.* Except as provided by paragraph (c)(5), below, the city engineer is authorized to approve such applications after 15 calendar days from the date notices are sent so long as the minimum criteria are met and the application is complete in all other respects pursuant to this article.

(4) *Appeal of city engineer's decision.* The applicant or any person entitled to notice under this article may appeal a decision of the city engineer regarding the interpretation of the contents of the application or the minimum criteria set forth in this section. City council shall consider such appeal at its next available regularly scheduled meeting.

(5) *Decision by city council.* The city engineer is not authorized to approve any applications where there are objections from any shoreline property owner within 300 feet of the property or other property owner entitled to notice under subsection (c)(2) above, or where the city engineer or building official, in his or her discretion, believes the application should be decided by city council.

a. When city council must decide the application for a dock permit, city council shall approve, deny, or approve with conditions the application to construct the dock at its next available regularly scheduled meeting. Notices of the hearing before city council shall be sent to the applicant and any person entitled to notice under this article. In determining whether to approve, deny, or approve with conditions the application, city council shall determine whether the application has been satisfactorily completed and whether the minimum criteria set forth above for issuance of the dock permit have been met. In addition, city council shall consider the following factors:

1. Possible obstruction to navigability;
2. Unreasonable impairment of lake view visibility from abutting properties;
3. Hazardous conditions; and
4. Whether the proposed structure unreasonably interferes with the riparian or littoral rights of other property owners. "Unreasonable interference" shall include but not be limited to: (a) proximity of docks of abutting property owners; (b) access for boaters and swimmers; and (c) any unusual configuration of the shoreline which would cause the proposed dock to restrict access to sections of the waterway.

b. The decision of the city council shall be in writing and shall indicate the date of the decision. Copies of the decision shall be sent by regular mail to the applicant and to those who previously filed written objections to the application. The decision of city council shall be final.

(d) *Variances.*

(1) An application for variance from the requirements of this article may be submitted to the city. When a variance is requested, the applicant shall submit to the city clerk's office nine site plans and three sets of engineered construction plans in addition to the required application fee. At a minimum, the applicant shall identify the paragraphs of this article from which the applicant seeks a variance and the extent of the requested variance. An application for a variance may be processed at the same time or prior to an application for a dock permit. Notice of all hearings on a requested variance, including hearings before the planning and zoning board and city council, shall be provided to the applicant and any person entitled to receive notice under this chapter as provided in subsection 14-11(c)(2).

(2) The planning and zoning board shall hear and make a recommendation to the city council on any application for variance. To recommend to the city council such variance, the following factors shall be considered:

- a. Average length of other docks in the surrounding 300-foot area;
- b. The reasonable use of the property by the owner;
- c. The effects the dock will have on navigation and safety of boaters;
- d. The overall general welfare of the neighborhood;
- e. Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;
- f. The effect of the proposed variance on abutting shoreline property owners;
- g. Whether the granting of the variance would be contrary to the intent and purpose and this article; and
- h. A variance may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation.

(3) The city council shall receive the planning and zoning board's recommendation and shall make a final decision on the variance application after consideration of the same factors described in paragraph (d)(2), above.

(e) *Compliance checks.* Once a permit has been issued for the construction of a dock by either the city engineer or the city council, the permit holder and/or designated agent must submit a notice of completion to the city engineer or designee within 30 days of completion of the construction of the dock so that a compliance check may be performed by the city engineer. The compliance check shall determine if the dock was built according to the permit issued by the city.

(f) *Building permit.* Following the approval of a dock application, either by the city engineer or by city council, the applicant is also required to obtain a building permit prior to commencing construction. In the event electricity is run to the dock, the proper electrical permit must also be obtained. All construction must be commenced and completed within the guidelines established by the city and any other agency having jurisdiction. The applicant is responsible for all fees associated with the procurement of necessary permits.

(g) *Maintenance and repair.* Routine maintenance and repair of docks may be conducted on any dock for which a dock permit was obtained from the city provided that no portion of the dock shall be expanded, enlarged, or enclosed as a result of such maintenance or repair activity.

(h) Approval of a dock permit by the City of Edgewood will not eliminate the application of any other government requirements or the necessity for any other governmentally required permit(s).

(Code 1985, § 5-11; Ord. No. 1997-432, § 1, 4-1-1997; Ord. No. 2001-04, § 1, 2-6-2001; Ord. No. 2006-03, § 4, 1-3-2006; [Ord. No. 2019-10](#), § 2, 12-17-2019)

- **Sec. 14-12. - Dock regulation: intent and purpose.**

(a) The purpose of this article is to regulate the construction of docks such that the navigation of water bodies is not unreasonably impeded.

(b) An intent of the city council is to protect and enhance the city's water bodies so that the public can continue to enjoy the traditional recreational uses of those waters such as swimming, boating, and fishing.

(c) It is further the intent of the city council to apply these regulations in a manner sensitive to the riparian and littoral rights and other property rights of the applicant, riparian and littoral rights and other property rights of the waterfront property owners, and the right of the public to the traditional uses and enjoyment of water bodies in the city.

(Ord. No. 2006-03, § 3, 1-3-2006; [Ord. No. 2019-10](#), § 2, 12-17-2019)

- **Sec. 14-13. - Permits required; fees.**

(a) No dock shall be constructed in the city without first seeking and obtaining a dock permit. Applications are available in the office of the city clerk.

(b) By resolution, the city council may from time to time establish fees to be applicable to all permits, variances, appeals, or other regulatory activities authorized in this article. Payment of any application fees shall in no way guarantee issuance of a dock permit, and such fee is nonrefundable.

(Ord. No. 2006-03, § 3, 1-3-2006; [Ord. No. 2019-10](#), § 2, 12-17-2019)